



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Tomoyuki Atsumi

Application No.: 10/668,149

Filing Date: September 24, 2003

Title: FAX DATA TRANSMISSION DEVICE  
AND FAX DATA TRANSMISSION  
SYSTEM

) **MAIL STOP AMENDMENT**

) Group Art Unit: 2625

) Examiner: Allen H Nguyen

) Confirmation No.: 2756

**AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: \_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 405 ☐ \$ 810 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	22	22	0	x \$ 50 (1202)	\$ 0
Independent Claims	6	6	0	x \$ 210 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 370 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date 7-22-08

By:   
Michael Britton  
Registration No. 47260

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP</b>
Tomoyuki Atsumi	)	
Application No.: 10/668,149	)	Group Art Unit: 2625
Filed: September 24, 2003	)	Examiner: Allen H Nguyen
For: FAX DATA TRANSMISSION	)	Confirmation No.: 2756
DEVICE AND FAX DATA	)	
TRANSMISSION SYSTEM	)	

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the June 25, 2008 Office Action, the Examiner identified three distinct species. The Examiner required the Applicant to elect a single disclosed species for prosecution on the merits under 35 U.S.C. §121.

Pursuant to the Examiner requirement, Applicant elects species III, with traverse. Currently, Claims 14-19 and 22 read on the elected species. Currently, no claims are generic to all species. Applicant reserves the right to file divisional applications with regard to any non-elected species.

Applicant respectfully traverses the election of species requirement because the PTO has not carried forward its burden of proof to establish that searching and examining each of the noted sets of claims would be an undue burden.

In particular, MPEP §803 states:

that if the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, Applicant respectfully traverses the outstanding election of species requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 7-22-08

By:



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